

UNITED STATES DISTRICT COURT
EASTERN DIVISION OF MISSOURI
EASTERN DIVISION

TOMIE J. LEE,)	
)	
Plaintiff,)	
)	No. 4:06CV00201 FRB
)	
v.)	
)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security, ¹)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is on appeal for review of an adverse ruling by the Social Security Administration. All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c).

A review of the administrative transcript reveals that two pages are missing from the transcript of the April 6, 2005 administrative hearing. The pagination inserted at the administrative level is unaffected, and gives the impression that the administrative hearing transcript is included in its entirety. See (Tr. 68-69.) However, inspection of both the text and the

¹Michael J. Astrue became the Commissioner of Social Security on February 12, 2007. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, he shall be substituted for Acting Commissioner Linda S. McMahon, and former Commissioner Jo Anne B. Barnhart, as defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

pagination inserted by the court reporter at the time the hearing transcript was prepared reveals that two pages, specifically page numbers 44 and 45, are missing. See Id.

Therefore, in light of this uncertainty,

IT IS HEREBY ORDERED that, not later than **March 2, 2007**, defendant Commissioner shall inform the Court whether pages 44 and 45 of the transcript of the April 6, 2005 hearing were indeed a part of the whole administrative record before the administrative law judge and the Appeals Council and, if so, to submit to the Court those two pages.



FREDERICK R. BUCKLES
UNITED STATES MAGISTRATE JUDGE

Dated this 20th day of February, 2007.